

(4) Part 298, *Exemption for Air Taxi Operations*, except to the extent noted in § 298.11(b);

(5) Part 380, *Public Charters*;

(6) Part 207, *Charter Trips and Special Services*;

(7) Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation*;

(8) Part 212, *Charter Trips by Foreign Air Carriers*;

(9) Part 292, *International Cargo Transportation*, except as provided in 292.

(e) *Domestic passenger fare tariffs.* For interstate and overseas air transportation of passengers, the following provisions apply to each pair of points served by an air carrier:

(1) The carrier shall file a tariff stating an unrestricted coach fare for service between those points. The carrier may also file tariffs describing other fare categories (e.g., first class, supersaver). Such tariffs shall include the availability conditions applicable to each fare category filed. The carrier shall not charge any passenger more than the fare on file for the fare category purchased by the passenger, but may charge less than that fare. If there is no fare on file for the fare category purchased by the passenger, the carrier shall not charge more than the unrestricted coach fare on file, except for service that includes additional amenities.

(2) The carrier shall also file a tariff stating the amount to be used for construction of joint fares for interline service, if that amount is different from the unrestricted coach fare on file. Joint fares constructed from such filed amounts shall be binding on carriers and ticket agents except for interline routings where the carriers have agreed to charge lesser amounts.

(3) Ticket agents shall not charge any passenger more than the fare on file for the fare category purchased by the passenger, but may, except as set forth in paragraph (e)(2) of this section, charge less than that fare. If there is no fare on file for the fare category purchased by the passenger, the ticket agent shall not charge more than the unrestricted coach fare on file except for service that includes additional amenities. A carrier may arrange, by

contract with its ticket agents, to specify fixed fares to be charged by the ticket agents, and may provide notice of such arrangements in its tariffs. Failure of ticket agents to observe such arrangements will not, however, be considered a violation of the Act or of Board rules. The Board does not hereby approve such contractual arrangements under section 412 of the Act or exempt them from the antitrust laws under section 414.

(4) Air carriers and ticket agents are exempt from the requirements of section 403(a) and (b)(1) of the Act and the other provisions of this part to the extent necessary to allow the filing of tariffs and the charging of prices for interstate and overseas air transportation as set forth in this paragraph (e).

(5) In this paragraph, “charge” includes “charge,” “collect,” “demand,” and “receive,” as those terms are used in section 403 of the Act.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95–504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732 (49 U.S.C. 1302, 1324, 1373, and 1386))

[ER–439, 30 FR 9439, July 29, 1965, as amended by ER–1125, 44 FR 33059, June 8, 1979; ER–1246, 46 FR 46794, Sept. 22, 1981; ER–1313, 48 FR 1941, Jan. 17, 1983; 60 FR 61478, Nov. 30, 1995]

§ 221.4 Definitions.

As used in this part, terms shall be defined as follows:

Act means the Federal Aviation Act of 1958, as amended.

Area No. 1 means all of the North and South American Continents and the islands adjacent thereto; Greenland; Bermuda; the West Indies and the islands of the Caribbean Sea; and the Hawaiian Islands (including Midway and Palmyra).

Area No. 2 means all of Europe (including that part of the Union of the Soviet Socialist Republics in Europe) and the islands adjacent thereto; Iceland; the Azores; all of Africa and the islands adjacent thereto; Ascension Island; and that part of Asia lying west of and including Iran.

Area No. 3 means all of Asia and the islands adjacent thereto except that portion included in Area No. 2; all of the East Indies, Australia, New Zealand, and the islands adjacent thereto;

and the islands of the Pacific Ocean except those included in Area No. 1.

Board means the Civil Aeronautics Board.

Book tariff means a tariff consisting of pages bound together in book form which conforms with the specifications applicable only to book tariffs.

Bundled Normal Economy Fare means the lowest one-way fare available for unrestricted, on-demand service in any city-pair market.

CRT means a video display terminal that uses a cathode ray tube as the image medium.

Carrier means an air carrier or foreign air carrier subject to section 403 of the Act.

Class rate means a rate which is published to apply on articles or commodities assigned to a numbered class by a classification or an exception thereto.

Consignee means the person whose name appears on the airwaybill as the party to whom the shipment is to be delivered by the carrier.

Contract of carriage means those fares, rates, rules, and other provisions applicable to the foreign air transportation of passengers, baggage, or property, as defined in the Federal Aviation Act.

Direct-service market means an international market where the carrier provides service either on a nonstop or single-flight-number basis, including change-of-gauge.

ECAC agreement means the Memorandum of Understanding between the United States and various member nations of the European Civil Aviation Conference, signed on December 17, 1982, as revised and renewed on October 11, 1984, as further revised and renewed on February 13, 1987, and as may be subsequently further revised and renewed.

Electronic Tariff means an international passenger fares tariff or a special tariff permission application transmitted to the Department by means of an electronic medium, and containing fares for the transportation of persons and their baggage or property, and including such associated data as arbitraries, footnotes, routings, and fare class explanations.

Fare means the amount per passenger or group of persons stated in the appli-

cable tariff for the transportation thereof and includes baggage unless the context otherwise requires.

Fare tariff means a tariff containing fares for the air transportation of person and may include baggage charges and provisions relating thereto.

Field means a specific area of a record used for a particular category of data.

Filer means an air carrier, foreign air carrier, or tariff publishing agent of such a carrier filing electronic tariffs on its behalf in conformity with this subpart.

General commodity rate means a rate which is published to apply on all articles or commodities except those which will not be accepted for transportation under the terms of the tariff containing such rate or of governing tariffs.

General effective date means the effective date shown on the title page of a tariff as required by § 221.31(a)(11), the effective date shown on title page of a supplement as required by § 221.112(b)(8), and the effective date shown on an original or revised page as required by § 221.22(b)(6). Also, see § 221.160.

Item means a small subdivision of a tariff designated as an item and identified by a number, a letter, or other definite method for the purpose of facilitating reference and amendment.

Joint fare or rate means a fare or rate that applies to transportation over the joint lines or routes of two or more carriers and which is made and published by arrangement or agreement between such carriers evidenced by concurrence or power of attorney.

Joint tariff means a tariff that contains joint fares or rates.

Local fare or rate means a fare or rate that applies to transportation over the lines or routes of one carrier only.

Local tariff means a tariff that contains local fares or rates.

Loose-leaf tariff means a tariff consisting of loose-leaf pages and conforming with the specifications applicable to loose-leaf tariffs as set forth in § 221.22.

Machine-Readable Data means encoded computer data, normally in a binary format, which can be read electronically by another computer with

the requisite software without any human interpretation.

Official DOT Tariff Database means those data records constituted pursuant to §§221.283 and 221.286 of this subpart, which are in the custody of, and are maintained by, the Department of Transportation.

On-line Tariff Database means the remotely accessible, on-line version, maintained by the filer, of (1) the electronically filed tariff data submitted to the official DOT tariff database, and (2) the Departmental approvals, disapprovals, and other actions, as well as any Departmental notation concerning such approvals, disapprovals, or other actions, that subpart W of part 221 requires the filer to maintain in its database.

Original tariff, as applied to a loose-leaf tariff, refers to the tariff as it was originally filed exclusive of any supplements, revised pages, or additional original pages. *Original tariff*, as applied to a book tariff, refers to the tariff as it was originally filed exclusive of any supplements.

Passenger means any person who purchases, or who contacts a ticket office or travel agent for the purpose of purchasing, or considering the purchase of, air transportation.

Passenger tariff means a tariff containing fares, charges, or governing provisions applicable to the air transportation of persons and their baggage.

Property tariff means a tariff containing rates, charges, or governing provisions applicable to the air transportation of property (other than baggage accompanied or checked by passengers).

Proportional rate (or fare) means a rate (or fare) which may be used only to construct a through combination rate (or fare) on traffic which:

- (1) Originates at a point beyond the point from which such proportional rate (or fare) applies, or
- (2) Is destined to a point beyond the point to which such proportional rate (or fare) applies, or
- (3) Both originates at a beyond point specified in paragraph (1) above and is destined to a beyond point specified in paragraph (2) above.

Proportional tariff or *basing tariff* means a tariff which contains proportional or basing rates or fares.

Rates means the amount per unit stated in the applicable tariff for the transportation of property, and includes *charge* unless the context otherwise requires.

Rate tariff means a tariff containing rates and charges for the air transportation of property, other than baggage accompanying or checked by passengers.

SFFL means the Standard Foreign Fare Level as established by the Department of Transportation under section 1002 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1482).

Shipper means the person whose name appears on the airwaybill as the party contracting with, or a person who contacts a carrier, a cargo sales office or agent of a carrier for the purpose of contracting with the carrier for carriage of a shipment.

Specific commodity rate means a rate which is published to apply only on a specific commodity or commodities which are specifically named or described in the item naming such rate or in an item specifically referred to by such rate in the manner prescribed by §221.75.

Statutory Notice means the number of days required for tariff filings in §221.160(a).

Tariff publication means a tariff, a supplement to a tariff, or an original or revised page of a loose-leaf tariff, and includes an index of tariffs (subpart L) and an adoption notice (§221.230).

Through fare means the total fare from point of origin to destination. It may be a local fare, a joint fare, or combination of separately established fares.

Through rate means the total rate from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

Ticket/Cargo Sales Office means a station, office, or other location where tickets are sold, or airwaybills or other similar documents are issued, that is under the charge of a person employed exclusively by the carrier, or by it jointly with another person.

Unbundled Normal Economy Fare means the lowest one-way fare available for on-demand service in any city-pair market which is restricted in some way, e.g., by limits set and/or charges imposed for enroute stopovers or transfers.

United States means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof.

Warsaw Convention means the Convention for the Unification of Certain Rules Relating to International Transportation by Air, 49 Stat. 3000.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95-504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732 (49 U.S.C. 1302, 1324, 1373, and 1386))

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-947, 41 FR 11018, Mar. 16, 1976; ER-987, 42 FR 12422, Mar. 4, 1977; ER-1038, 43 FR 1322, Jan. 9, 1978; ER-1051, 43 FR 24277, June 5, 1978; ER-1125, 44 FR 33059, June 8, 1979; 53 FR 52677, Dec. 29, 1988; Amdt. 221-68, 54 FR 2095, Jan. 19, 1989]

§ 221.5 English language.

All tariff publications, powers of attorney, concurrences, revocations of powers of attorney or concurrences, letters of tariff transmittal, Special Tariff Permission applications, waiver applications and all other documents filed with the Board pursuant to this part shall be in the English language.

§ 221.6 [Reserved]

§ 221.7 Unauthorized air transportation.

Tariff publications shall not contain rates, fares, or charges, or their governing provisions, applicable to air transportation which the issuing or participating carriers are not authorized by the Board to perform, except where the Board expressly requests or authorizes tariff publications to be filed prior to the Board's granting authority to perform the air transportation covered by such tariff publications. Any tariff publication filed pursuant to such express request or authorization which is not consistent with section 403 of the Act and this part may be rejected; any tariff publication so rejected shall be void.

Subpart B—Who Is Authorized To Issue and File Tariffs

§ 221.10 Carrier.

(a) *Local or joint tariffs.* A carrier may issue and file, in its own name, tariff publications which contain:

(1) Local rates or fares of such carrier only and provisions governing such local rates or fares, and/or

(2) Joint rates or fares which apply jointly via such issuing carrier in connection with other carriers (participating in the tariff publications under authority of their concurrences given to the issuing carrier as provided in § 221.210) and provisions governing such joint rates and fares. Provisions for account of an individual participating carrier may be published to govern such joint rates or fares provided § 221.38(k) is complied with.

A carrier shall not issue and file tariff publications containing local rates or fares of other carriers, joint rates or fares in which the issuing carrier does not participate, or provisions governing such local or joint rates or fares.

(b) *Issuing officer.* An officer or designated employee of the issuing carrier shall be shown as the issuing officer of a tariff publication issued by a carrier, and such issuing officer shall file the tariff publication with the Board on behalf of the issuing carrier and all carriers participating in the tariff publication. (See §§ 221.22(b)(7), 221.31(a)(12), and 221.112(b)(9) for location of issuing officer's name on tariff publications.)

§ 221.11 Agent.

An agent may issue and file, in his or its own name, tariff publications naming local rates or fares and/or joint rates or fares, and provisions governing such rates or fares, for account of carriers participating in such tariff publications, under authority of their powers of attorney given to such issuing agent as provided in § 221.220. The issuing agent shall file such tariff publications with the Board on behalf of all carriers participating therein. Only one issuing agent may act in issuing and filing each such tariff publication.